

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH NORTHERN DIVISION

UNITED STATES OF AMERICA, *ex rel.*,
SCOTT PEDERSEN and PHILIP
WASHBURN,

Plaintiffs,

v.

HOSPITAL CORPORATION OF
AMERICA, INC. et al.,

Defendants.

ORDER

Case No. 1:11-cv-41 CW PMW

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(B). On February 14, 2012, Judge Warner issued a Report and Recommendation, recommending that this case be dismissed. Plaintiffs did not file an objection to the Report and Recommendation. After having reviewed the file, the court hereby APPROVES AND ADOPTS Judge Warner's Report and Recommendation in its entirety, but the case is DISMISSED WITHOUT PREJUDICE.¹ Each party shall bear his or its own costs.

¹ The United States elected not to intervene in this matter, but requested that if the court intended to dismiss the case, it obtain written consent from the United States before doing so, pursuant to 31 U.S.C. § 3730(b)(1) (2011). *See* Notice of Election to Decline Intervention (Dkt. No. 9). Because the court's action involves an involuntary dismissal, the court concludes that consent from of the United States is not necessary. *Brown v. Sherrod*, 284 Fed. Appx. 542, 543 (10th Cir. 2008); *Searcy v. Philips Elecs. N. Am. Corp.*, 117 F.3d 154, 158 (5th Cir. 1997).

SO ORDERED this 5th day of March, 2012.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups
United States District Judge